

### **REMARKS**

Claims 1-26 are pending in the present application. Claims 1, 3, 6, 8, 11, 20, 21, and 23-25 stand rejected under 35 USC §102. Claims 2, 4, 7, 9-10, 12-19, 22, and 26 stand rejected under 35 USC §103. Claim 5 has been previously cancelled. Applicants have currently amended claim 1 to more particularly point out applicants' invention.

#### **35 USC §103**

Applicant claims, among other things, "the top portion and the base portion being movable with respect to each other to gently grip and hold the electrode array, between the base portion and the top portion". Nowhere in Shippert is there a top and a base movable with respect to each other. The only movable part in Shippert is the plunger 28. The plunger 28 is neither a top nor a bottom, but move between the top and the bottom. Shippert discloses a plunger or syringe type device. Applicant discloses an elongated clamp type device. To further distinguish from Shippert applicants claim the open space is "open toward an end opposite from said frontally closed end portion". The open end is necessary to allow for the array cable. Shippert's plunger would not allow for an array cable.

#### **Conclusion**

In view of the above, reconsideration and allowance of all claims are respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, and the Examiner believes that a teleconference may be helpful, the Examiner is invited to call the undersigned attorney at (818) 833-5055 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is authorized to charge any additional fees, which may be required or credit overpayment to deposit account no. 50-0922. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-0922.

Respectfully submitted,

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